

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEIANN HAWLEY,

Plaintiff,

vs.

Case No. 10-12122  
HON. GEORGE CARAM STEEH

CENTER FOR FAMILY HEALTH,

Defendant.

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ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION AND  
GRANTING PLAINTIFF'S REQUEST TO FILE FIRST AMENDED COMPLAINT [#7]

Plaintiff, Leiann Hawley, filed a complaint on May 26, 2010, alleging various state law claims against defendant, Center for Family Health. Plaintiff's complaint failed to allege that the amount in controversy "exceeds the sum or value of \$75,000.00[.]" as required to invoke this court's subject matter jurisdiction. 28 U.S.C. § 1332(a). Therefore, the court ordered plaintiff to show cause why her complaint should not be dismissed for lack of federal diversity subject matter jurisdiction. On June 16, 2010, plaintiff filed a response to this court's show cause order, but failed to advise the court that the controversy exceeded the amount of \$75,000.00. Therefore, the court dismissed this action without prejudice on June 29, 2010. [#6]

On July 7, 2010, plaintiff filed a motion for reconsideration and for permission to file first amended complaint. Upon consideration of plaintiff's motion for reconsideration and the request to file first amended complaint, the court grants plaintiff's motion and request

to file first amended complaint, which now alleges that the amount in controversy exceeds the sum of \$75,000.00 and that the action is between citizens of different states. 28 U.S.C. § 1332(a)(1). Rule 15(a) of the Federal Rules of Civil Procedure allows a party to amend its pleading once as a matter of course if done within twenty-one (21) days after serving it. See Fed. R. Civ. P. 15(a)(1)(A). Here, the complaint was never served upon defendant. The court therefore concludes that the interests of justice will be served by granting plaintiff's motion for reconsideration and allowing her to file a first amended complaint.

Accordingly,

Plaintiff's motion for reconsideration and for permission to file first amended complaint is GRANTED.

The court's order of dismissal [#6] is vacated.

This cause of action is reopened.

Plaintiff shall file her first amended complaint forthwith and serve it upon defendant in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: August 5, 2010

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 5, 2010, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk